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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BUNIN, ANDREW M

ART UNIT PAPER NUMBER

3743

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

10/775,934

Applicant(s)

KAUSCH, ARND

Examiner

Andrew M. Bunin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: The claim states distributor "hoses" and then states said distributor "houses." However, examiner assumes that this is a mechanical mistake where "houses" should be replaced with "hoses."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 8, 10-12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rankin, Sr. et al. Rankin, Sr. et al. disclose a device for supplying breathing air in an interior of safety clothing, the device comprising a connection means 70 to a compressed air source 66 for providing breathing air; and a hose system which is connected to said connection means 70 from which breathing air enters said interior of said safety clothing, wherein said hose system further comprises a permeable tube section made porous (apertured tube 106). Rankin, Sr. et al. further disclose the permeable tube section 106 is formed in a horizontally extending semicircle and is placed at level of a neck part of a

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user of said safety clothing (see Figure 2). The horizontally extending semicircle 106 further comprises a lower area and an upper area wherein said lower area is sealed and said upper area is porous (See Figure 2 below).

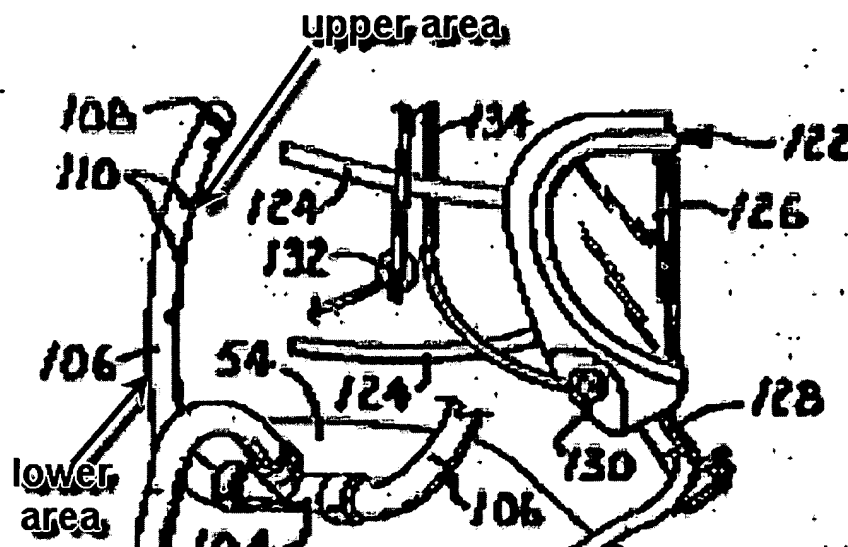


Figure 2
Prior Art: US 4513452

Rankin, Sr. et al. further disclose a device comprising distributor hoses (86 and 96), each of said distributor hoses having a discharge opening from which breathing air of a compressed air source flows out, said distributor hoses being arranged distributed over said inside of said safety clothing (see Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin, Sr. et al. in view of Moretti (US 4271833). Rankin, Sr. et al. discloses everything except the porous part of said permeable tube section as being made of a sintered plastic. However, Moretti teaches a suitable porous material as being sintered vinyl (type of plastic) (column 4, lines 6-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use the sintered plastic taught by Moretti for the porous part of the permeable tube section disclosed by Rankin, Sr. et al. in order for this tube section to be more flexible.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin, Sr. et al. in view of Garcia (US 4510930). Rankin, Sr. et al. discloses everything except for the compressed air source being operated with a pressure of 3 to 10 bars. However, Garcia teaches a pressure range of 60 to 80 psig for supplying breathable gas or air through a respirator (column 3, line 15). This range converts to about 4.1-5.5 bars, which is within the range disclosed in the instant application. Therefore it would have been obvious to one having ordinary skill in the art to use the range taught by Garcia for the device of Rankin, Sr. et al. in order to comfortably supply breathable air to user.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin, Sr. et al. in view of Beizndtsson et al. (US 6837239). Rankin, Sr. et al. discloses everything except the hood part connected to a body part of said safety clothing, said hood having a rear area wherein a pressure

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relief valve is arranged in said rear area of said hood. However, Beizndtsson et al. teach a hood part connected to a body part of said safety clothing, said hood having a rear area wherein a pressure relief valve 14 is arranged in said rear area of said hood (see Figure 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to position a relief valve in the rear area of a hood as taught by Beizndtsson et al. in order to vent excess air within the suit to the atmosphere "when the pressure differential is sufficient" (column 4, lines 18-24).

Conclusion

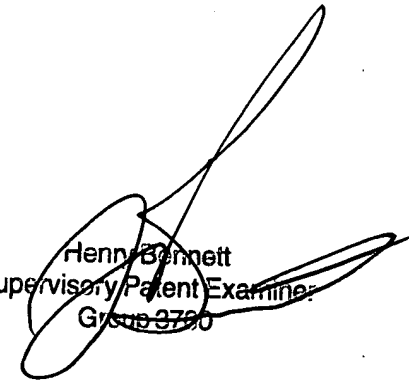
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6260201, US 5088115, US 4403608, US 3468299, and US 4458680

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Bunin whose telephone number is (571)272-4801. The examiner can normally be reached on Monday - Friday, 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571)272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMB
7/05/05
Henry Bennett
Supervisory Patent Examiner
Group 3750